

RECEIVED
CENTRAL FAX CENTER

MAY 12 2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No. 5,855,666 of:
KAO ET AL.

Serial No. 08/773,677

Issue Date: JANUARY 5, 1999

Filing Date: DECEMBER 24, 1996

For: PROCESS FOR PREPARING
ENVIRONMENTALLY STABLE PRODUCTS BY
THE REMEDIATION OF CONTAMINATED
SEDIMENTS AND SOILS

Attorney Docket No.:
60246

USPTO
RECEIPTS ACCOUNTING
DIVISION
2011 MAY 16 PM 4:48

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PETITION PURSUANT TO
37 CFR § 1.378(c)

The Petition filed on February 11, 2011, pursuant to 37 CFR § 1.378(c) was dismissed on the grounds that the Petitioner did not otherwise meet the category of persons/entities listed in 37 CFR § 1.33(b).

The Petitions Examiner is respectfully requested to reconsider the dismissal decision in view of the liberal language of 37 CFR § 1.366(a) regarding the payment of maintenance fees in general which provides:

(a) The patentee may pay maintenance fees and any necessary surcharges, or any person or organization may pay maintenance fees and any necessary surcharges on behalf of a patentee. Authorization by the patentee need not be filed

in the Patent and Trademark Office to pay maintenance fees and any necessary surcharges on behalf of the patentee.

The Petitions Examiner is also respectfully requested to reconsider the dismissal decision in view of the language of 37 CFR § 1.378 that is specifically directed to patent reinstatement which provides:

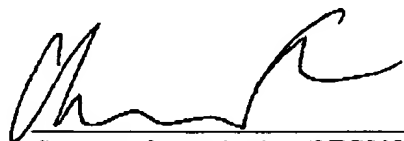
(d) Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest.

In the alternative, enclosed herewith are the following documents:

1. A RENEWED PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR § 1.378(c)) executed by Walter Allen Hendricks.
2. A STATEMENT UNDER 37 CFR § 3.73(B) which establishes that Walter Allen Hendricks is authorized to act on behalf of the assignee.

In view of the above, it is respectfully requested that the petition for reconsideration fee in the amount \$400 be waived. If it is determined that the fee is required, or if any other fee is required, authorization is given to charge Deposit Account No. 01-0484.

Respectfully submitted,



CHRISTOPHER F. REGAN
Reg. No. 34,906

**RECEIVED
CENTRAL FAX CENTER**

MAY 12 2011

PTO/SB/68 (03-00)

Approved for use through 03/31/2012, OMB 0651-0016
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

RENEWED PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378 (c))	Docket Number (Optional) 60246
--	--

Mail to: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Patitions Information at (571) 272-3282.

Patent No. 5,855,666 Application Number 08/773,677
Issue Date 01-05-1999 Filing Date 12-24-1996

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.360(c) and (d).

Also complete the following information, if applicable

The above - identified patent

- ☐ Is a reissue of original Patent No. _____ original issue date _____
original application number _____
original filing date _____
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of International application _____
filed on _____

CERTIFICATE OF MAILING (37 CFR 1.89(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

May 12, 2011
Date

[Signature]
Signature

WA-HENORICKS
Typed or Printed Name of Person Signing Certificate

(page 1 of 3)

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

MAY 12 2011

PTO/SB/96 (07-08)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: VOLCANO GROUP LLCApplication No./Patent No.: 08/773,677 / 5,855,668Filed/Issue Date: 12-24-1996 / 01-05-1999Title: PROCESS FOR PREPARING ENVIRONMENTALLY STABLE PRODUCTS BY THE REMEDIATION OF
CONTAMINATED SEDIMENTS AND SOILS

VOLCANO GROUP LLC

, a limited liability corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in
(The extent (by percentage) of its ownership interest is _____ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)

the patent application/patent identified above, by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy therefore is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: KAO ET ALTo: CEMENT-LOCK, LLC.

The document was recorded in the United States Patent and Trademark Office at

Reel: 008415Frame 0050

or for which a copy thereof is attached.

2. From: CEMENT-LOCK, L.L.C.To: CEMENT-LOCK GROUP, L.L.C.

The document was recorded in the United States Patent and Trademark Office at

Reel: 009387Frame 0039

or for which a copy thereof is attached.

3. From: CEMENT-LOCK GROUP, L.L.C.To: VOLCANO GROUP LLC

The document was recorded in the United States Patent and Trademark Office at

Reel: 019489Frame 0487

or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

- ☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 2, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

WALTER ALLEN HENDRICKS

Printed or Typed Name

May 12, 2011

Date

President/Managing Member

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0199 and select option 2.

PTO/SB/88 (03-08)

Approved for use through 03/31/2012. OMB 0851-0019

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 ½ yr fee	(1551)	<input type="checkbox"/> \$ _____	3 ½ yr fee	(2551)
<input type="checkbox"/> \$ _____	7 ½ yr fee	(1552)	<input type="checkbox"/> \$ _____	7 ½ yr fee	(2552)
<input type="checkbox"/> \$ _____	11 ½ yr fee	(1553)	<input checked="" type="checkbox"/> \$ 2055	11 ½ yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 2055

4. SURCHARGE

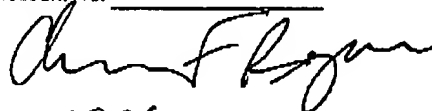
The surcharge required by 37 CFR 1.20(f)(2) of \$ 1640 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of a maintenance fee.

SURCHARGE FEE BEING SUBMITTED \$ 1640

5. MANNER OF PAYMENT

☐ Enclosed is a check for the sum of \$ _____☒ the sum of \$ 3695 (paid 2/11/11)☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 01-0484
34,906

PTO/SB/65 (03-09)

Approved for use through 03/31/2012. OMB 0451-0018
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no person is required to respond to a collection of information unless it displays a valid OMB control number.

7. OVERPAYMENT

As to any overpayment made please

- OR ☒ Credit to Deposit Account No. 01-0484
- ☐ Send refund check

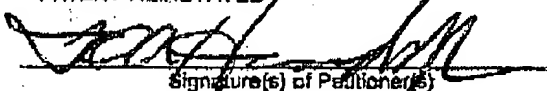
WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED


Signature(s) of Petitioner(s)May 12, 2011
Date

WALTER ALLEN HENDRICKS

Typed or printed name(s)

n/a

Registration Number, if applicable

407-482-9731

Telephone Number

7039 Pine Hollow Dr.

Address

Mount Dora, FL 32757

Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES

- ☐ Maintenance Fee Payment
- ☐ Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)
- ☒ Maintenance fee payment and surcharge totaling \$3,695 were previously submitted on 2/11/11.
- Any additional fees may be charged to Deposit Account 01-0484. Christopher F. Regan, 34906

(Page 3 of 3)

